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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/699,552 | 10/30/2003 | Laura Lee Orcutt | WELL0036 | 3032 |
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| GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025 | | | EXAMINER ELISCA, PIERRE E | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,552

Applicant(s)

ORCUTT, LAURA LEE

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on 01/19/2007.
2. Claims 1-56 are currently pending in this application.
3. The rejection to claims 1-56 under 35 U.S.C. 103 (a) as being unpatentable over Funk and Downs in view of Guzman as set forth in the Office action mailed on 04/04/2007 is maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-56 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Funk (U.S. Pat. No. 5,832,463) and Downs, Jr. (U.S. Pat. No. 6,654,487) **in view of the newly found prior art Guzman US 2003/0182227 A1.**

As per claims 1 and 8-35 Funk substantially discloses a checkless transaction system that converts the check transaction into an electronic ACH, comprising:

Means for reading a MICR line in a check at a point where said check is presented (see., abstract, col 3, lines 28-67, col 4, lines 1-52. The limitation if said reading the

MICR is successful, then, prior to parsing said MICR line does not add patentable distinction apart from the prior art of record).

During the interview conducted on 03/01/2006, Applicant's representative argues that the prior art of record fail to explicitly disclose the limitation wherein said if said check is eligible to be converted to an ACH debit. However, the Examiner respectfully disagrees with this assertion because it is obvious to realize that if a check is not in good standard, i.e folded or stain or if the MICR has a missing number, and therefore would not be eligible for scanning. Moreover, if it is scanned an individual would not be able to interpret or understand what it is. Thus, would be a waste of memory.

It is to be noted that Funk fails to explicitly disclose **a various rules if the check can not converted to said ACH, processing the check**. However, Down discloses a check processing system which includes a predetermined set of MICR line validation rules (see., abstract, lines 6-15, col 117, lines 44-67, col 118, lines 1-28). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the checkless transaction of Funk by including the limitation detailed above as taught by Downs because this would recognize invalid MICR line based on various rules.

Funk and Down fail to explicitly disclose the limitation of wherein said "an eligible check is defined as a consumer check and such as a biller associated with said check".

Guzman discloses a method of depositing and monitoring account credits received by bank check in conjunction with a sales transaction where the account credits are made by a third party to the sales transaction comprising: entering a transit number, account

number, check number and a check amount associated with the merchant location (see., Guzman, [0003], [0004], [claim 21]). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the checkless transaction of Funk and Down by including the limitation detailed above as taught by Guzman because this would allow the merchant to receive the check without meeting the consumer.

As per claims 2-8, and 36-56 Funk substantially discloses the claimed method of converting a check transaction into an electronic ACH, comprising:

reading a MICR line in a check at a point where said check is presented (see., abstract, col 3, lines 28-67, col 4, lines 1-52).

It is to be noted that Funk fails to explicitly disclose a various rules if the check can not converted, processing the check. However, Down discloses a check processing system which includes a predetermined set of MICR line validation rules (see., abstract, lines 6-15, col 117, lines 44-67, col 118, lines 1-28). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the checkless transaction of Funk by including the limitation detailed above as taught by Downs because this would recognize invalid MICR line based on various rules.

Funk and Down fail to explicitly disclose the limitation of wherein said an eligible check is defined as a consumer check and such as a biller associated with said check.

Guzman discloses a method of depositing and monitoring account credits received by bank check in conjunction with a sales transaction where the account credits are made

by a third party to the sales transaction comprising: entering a transit number, account number, check number and a check amount associated with the merchant location (see., Guzman, [0003], [0004], [claim 21]. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the checkless transaction of Funk and Down by including the limitation detailed above as taught by Guzman because this would allow the merchant to receive the check without meeting the consumer.

RESPONSE TO ARGUMENTS

6. Applicant's arguments with respect to claims 1-56 have been fully considered but they are not persuasive.

REMARKS

7. In response to Applicant's representative arguments, Applicant's representative argues that:

a. "the word eligible check is defined as a consumer check". As indicated above, Funk discloses a checkless transaction system that converts the check transaction into an electronic ACH. Therefore, the check transaction of Funk is a consumer check (see., Funk, figs 2 and 3, **items 210 and 300**, abstract, transaction at a bank or at a point of sale.

b. Applicant's representative further argues that the cited reference Downs discloses "a predetermined set of MICR line validation rules" to recognize invalid MICR

line based on various rules". In the claimed invention, rules are applied to determine whether a check is "eligible". As noted above, it is believed that Downs clearly discloses a check processing system which includes a predetermined set of MICR line validation rules (see., abstract, lines 6-15, col 117, lines 44-67, col 118, lines 1-28). Please note that the check processing of Downs is a consumer check and the validation rules of Downs is equivalent to the Applicant's claimed invention of applying various rules, and therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the checkless transaction of Funk by including the limitation detailed above as taught by Downs because this would recognize invalid MICR line based on various rules.

c. Applicant's representative maintains that the cited reference Guzman fails to implicitly or explicitly disclose the limitation that an "eligible check is a consumer. However, the Examiner respectfully disagrees with this assertion because the claims recite the limitation of wherein said "an eligible check is defined as a consumer check and such as a biller associated with said check". Guzman discloses a method of depositing and monitoring account credits received by **bank check** in conjunction with a sales transaction where the account credits are made by a third party to the sales transaction comprising: entering a transit number, account number, check number and a check amount associated with the merchant location (see., Guzman, [0003], [0004], [claim 21]. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the checkless transaction of Funk and Down by including the limitation detailed above as taught by Guzman because this

would allow the merchant to receive the check without meeting the consumer.

Therefore, Applicant's argument is moot.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Patents and hoteling.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 17, 2007


PIERRE EDDY ELISCA
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600